



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
JESUS FERNANDEZ,  
Plaintiff,

v.

MARIA BADAMI, Physician's Assistant,  
Defendant.  
-----X

**SECOND AMENDED  
ORDER OF SERVICE**

20 CV 10287 (VB)

Copies Mailed/Faxed 4/19/22  
Chambers of Vincent L. Briccetti DH

Briccetti, J.:

Plaintiff, who is proceeding pro se and in forma pauperis, brings claims under 42 U.S.C.

§ 1983 for violations of his constitutional rights.

On January 5, 2021, plaintiff filed an amended complaint. (Doc. #5).

On February 3, 2021, the Court issued an Order of Service ordering the Office of the New York State Attorney General ("NYAG") to ascertain the identity and address of a Jane Doe defendant named in the amended complaint. (Doc. #8).

By letter dated April 5, 2021, the NYAG identified the Jane Doe defendant as Physician's Assistant Maria Badami ("P.A. Badami"). (Doc. #14).

On April 6, 2021, the Court entered an Amended Order of Service ordering the U.S. Marshals Service to effectuate service on P.A. Badami at Downstate Correctional Facility, which was the address provided by the NYAG. (Doc. #15).

On March 31, 2022, the U.S. Marshal's Service docketed a Process Receipt and Return of Service Unexecuted, indicating that it had been unable to effectuate service on P.A. Badami despite "multiple in-person endeavors" because "Downstate Corr[ectional] Facility is no longer open" and the "facility [has] shutdown." (Doc. #33).

On April 5, 2022, the Court ordered the NYAG to ascertain a new, updated address where P.A. Badami may be served and provide this information to plaintiff and the Court. (Doc. #34).

By letter dated April 19, 2022, the NYAG provided a new and updated service address for P.A. Badami, who, according to the NYAG, now works at Green Haven Correctional Facility. (Doc. #35).

To allow plaintiff to effect service on P.A. Badami through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for P.A. Badami. The Clerk of Court is further instructed to issue a summons listing P.A. Badami and deliver to the Marshals Service all paperwork necessary for the Marshals Service to effect service upon P.A. Badami. The service address for this defendant is appended to this Order.

It is plaintiff’s responsibility to ensure that service is made within 90 days of the date the summons is issued, and, if necessary, to request an extension of time for service. See Meilleur v. Strong, 682 F.3d 56, 63 (2d Cir. 2012).

### CONCLUSION

The Clerk is directed to update Physician’s Assistant Maria Badami’s address on the docket with the address listed in the appendix to this Order,

The Court also directs the Clerk of Court to complete the USM-285 form with the address for the listed defendant and deliver all documents necessary to effect service on this defendant to the U.S. Marshals Service.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

Plaintiff also must notify the Court in writing if plaintiff's address changes, and the Court may dismiss the action if he fails to do so.

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Dated: April 19, 2022  
White Plains, New York

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti  
United States District Judge

APPENDIX

1. Maria Badami, PA  
Green Haven Correctional Facility  
594 Rt. 216  
Stormville, NY 12582